

REMARKS

In the Office Action, the Examiner rejected claims 1, 3-11, and 83 and has indicated claims 71-82 as withdrawn due to restriction. In order to place this application in condition for allowance, Applicant has cancelled claims 71-82 without prejudice for possible inclusion in an appropriation continuation or divisional application. Further, by the present Response, Applicant has amended claims 1 and 8. These amendments do not add any new matter. Claim 1 has been amended for clarification of certain features to expedite allowance of the present application. Additionally, Applicant submits that the amendment to claim 8 is clerical in nature and not related to patentability. Upon entry of these amendments, claims 1, 3-11, and 83 are pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejection under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3-11, and 83 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,648,962 to Berke et al. (hereafter “the Berke reference”). The Examiner indicated that this rejection would be withdrawn and passed to issuance “if claim 1 were amended in lines 1 and 2 to read -- A method of using a drilling fluid for drilling in a subterranean formation -- , and lines 5 and 6 were amended to read -- placing the drilling fluid into the subterranean formation during the drilling.” Office Action, pages 3-4.

Although Applicant does not concede the correctness of the Examiner’s reasons for rejection, Applicant has amended claim 1 in light of the Examiner’s suggestions. For example, independent claim 1 has been amended to recite “placing the drilling fluid into the subterranean formation during the drilling.” Accordingly, Applicant submits that the Berke reference does not disclose this recitation and thus does not anticipate independent claim 1.

Therefore, independent claim 1 and the claims depending therefrom are allowable, and Applicant requests withdrawal of the Examiner's anticipation rejections and allowance of claims 1, 3-11, and 83.

Payment of Fees and Authorization for Extensions of Time

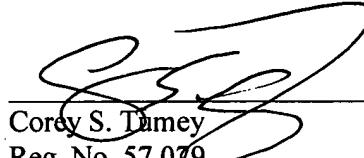
If any fees, including fees for extensions of time and other reasons, are deemed necessary to advance prosecution of the present application, at this or any other time, Applicants hereby authorize the Commissioner to charge such requisite fees to Deposit Account No. 06-1315; Order No. HLBT:0005/BLT/TUM. In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request thereof.

Conclusion

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Respectfully submitted,

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